GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department –Sri M.Adiseshu, Dy. Commr. of Prohibition & Excise, Guntur retired on attaining the age of superannuation on 29.02.2020 – Compliance with the orders passed in W.P.No.1374 of 2021 by the Hon'ble High Court for release of 80% of the retirement gratuity – Orders - Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.992

Dated:17.11.2022.
Read the following:-

1. From the High Court of Andhra Pradesh at Amaravati, Interim orders dt.20.01.2021 passed in I.A.No.1 in W.P.No.1374 of 2021 fled by Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Rtd.), Guntur.
2. G.O.Rt.No.116, Revenue (VIG.IV) Department, dt.04.03.2021.
3. From Commissioner of Prohibition and Excise, A.P., Lr.No.444/2021/CPE/A1, dt.06.07.2021.
4. G.O.Rt.No.487, Revenue (VIG.IV) Department, dt.05.08.2021.
5. From Sri Sri M.Adiseshu, Dy. Commr. of Prohibition & Excise, Guntur, Representation dt.28.10.2022 along with orders dt.15.03.2021 in W.P.No.1374 of 2021 of the Hon'ble High Court.

****

ORDER:

Whereas Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Retd.), Guntur was involved in certain liquor syndicate cases and disproportionate assets case etc, while in service and the charges are pending against him in those cases.

2. And whereas, in the reference 2nd read above, Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Retd.) was sanctioned provisional pension @ 75% of eligible pension entitled under Rule 52 of Andhra Pradesh Revised Pension Rules, 1980, pending finalization of disciplinary/ judicial proceedings against him, as he retired from Service on 29.02.2020 on attaining the age of superannuation. However, the payment of entire Death-cum-Retirement Gratuity and other pensionary benefits admissible to him were kept in abeyance till the final orders are issued in the disciplinary proceedings pending against him.

3. And whereas, Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Rtd), has fled W.P.No.1374 of 2021 before the Hon'ble High Court of Andhra Pradesh at Amaravati.

4. And whereas, the Hon'ble High Court of Andhra Pradesh at Amaravati has been pleased to pass the following order dt.20.01.2021 in I.A.No.1 in W.P.No.1374 of 2021:

"Post on 17.02.2021 to enable the learned Government Pleader for Services-I to obtain instructions in the matter.

In the meanwhile, the respondents shall pay the petitioner the amount due on account of encashment of earned leave immediately from the date of receipt of a copy of this order. As far as payment of 80% gratuity is concerned, the same can be decided after instructions are obtained by the learned Government Pleader as to whether such payment can be made out or not".

5. The petitioner Sri M.Adiseshu was allotted to the State of Andhra Pradesh as per A.P. Reorganization Act and retired from Service on attaining the age of superannuation on 29.02.2020 as Deputy Commissioner of Prohibition & Excise, and while he was in Service, the following charge memos among others, were issued/ cases are pending against him:

1. G.O.Rt.No.754, Revenue (Vigilance-V) Department, dated 28.05.2013 – issued in united State of Andhra Pradesh and the case file belongs to Telangana Government.
2. G.O.Ms.No.263, Revenue (Vig.II) Department, dated 28.11.2017 – issued by the Telangana Government after bifurcation.
3. T.E.C.No.484 of 2013, dated 08.11.2017 - issued by the T.D.P, Telangana Government after bifurcation.
4. T.E.C.No.377 of 2013, dated 26.10.2018 - issued by the T.D.P., A.P. Government after bifurcation.
5. T.E.C.No.386 of 2013, dated 15.11.2018 - issued by the T.D.P., A.P. Government after bifurcation.

Contd.,2

6. Cr.No.01/RCA-CIU-HYD/2016, dated 19.01.2016, No.1/RCACIU/2016 dated 19.01.2016 – registered by ACB, A.P. Government after bifurcation.

6. Government, after careful examination of the matter and in compliance with the orders dt.20.01.2021 in I.A.No.1 in W.P.No.1374 of 2021 passed by the Hon'ble High Court of Andhra Pradesh in the reference 4th read above, accord sanction for payment of the amount due on encashment of Earned Leave to Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Retd.), Guntur.

7. In the reference 5th read above, while enclosing the final orders dt.15.03.2021 in W.P.No.1374 of 2021 of the Hon'ble High Court, has requested the Govt., for its implementation. In the said W.P., the Hon'ble High Court has made the following orders:

> This Court after considering the submissions made by both the learned counsels perused G.O.Rt.No.1097, dated 22.06.2000. As rightly pointed out by the learned counsel for the petitioner in that G.O. itself the Government considered the amounts that can be paid to the retired employee since no recoveries can be made from the amounts under Earned Leave and gratuity. In encashment of Earned Leave, the Government clearly held that the same can be with held if there is a possibility of some money becoming recovered from him on conclusion of the proceedings against him. As far as the retirement gratuity is concerned, similar matter was contemplated and ultimately it is concluded that claims up to 80% of the gratuity amount can be paid in contemplation of the final orders. Division Bench of this Court in W.P.No.30443 of 2016 also clearly held that there is no question of withholding the amount towards encashment of Earned Leave. In the case on hand, the matter pending before the Special Judge for SPE and ACB Cases, Vijayawada, relates to disproportionate assets. The same cannot be a ground for initiating any recovery proceedings. In that view of the matter, this Court is of the opinion that as per the directions in G.O.Rt.No.1097, dated 22.06.2000, the petitioner is entitled for encashment of Earned Leave and also 80% of the gratuity as prayed for in the Writ Petition. The stand taken by the Government is over ruled. The respondents are directed to forthwith process and pay the encashment of Earned Leave and 80% of the gratuity to the petitioner.
>
> With the above observations, the writ petition is allowed. The entire exercise should be completed within four (04) Weekes from the date of receipt of a copy of this order. There shall be no order as to costs.

8. Government, after careful examination of the matter in detail and in order to implementation of the orders of the Hon'ble High Court dt.15.03.2021 and in terms of the proviso to Rule 52(1) (c) of the A.P. Revised Pension Rules, 1980, hereby sanction 80% of the eligible retirement gratuity to Sri M.Adiseshu, Deputy Commissioner of Prohibition & Excise (Retd.), Guntur, without prejudice to the final orders to be issued in the disciplinary cases referred at para 5th above.

9. This orders does not requires the concurrence of the Finance Department.

10. The Commissioner of Prohibition and Excise shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA,
SPECIAL CHIEF SECRETARY TO GOVERNMENT (EXCISE & R&S)

To
The Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The individual petitioner through the Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.

Copy to:
The Government Pleader for Services-I, High Court of Andhra Pradesh at Amaravati.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat, Velagapudi.
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The Accountant General of Andhra Pradesh, Vijayawada.
The Directorate of Treasuries & Accounts, Andhra Pradesh, Vijayawada.
Sc/Sf.

//FORWARDED:: BY ORDER//

R. Vijay Kishore
SECTION OFFICER